

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA OF  
NORTHERN DIVISION

JAMES K. MONROE, #167435,	)	
	)	
Plaintiff,	)	
v.	)	CASE NO. 2:06-cv-0928-MEF
	)	
OFFICER L. THOMAS, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

On February 2, 2009, the Magistrate Judge filed a Recommendation (Doc. #57) in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is the

ORDER, JUDGMENT and DECREE of the court that:

1. The Recommendation of the Magistrate Judge is ADOPTED.
2. Defendants Corbier, PHS, Inc., Webb, Lysykanycz, and Sager's motion for summary judgment, as supplemented, (Doc. #21, #26 & #30), is GRANTED to the extent these defendants seek dismissal of this case for plaintiff's failure to exhaust available administrative remedies; *Woodford v. Ngo*, 548 U.S. 81, 126 S.Ct. 2378 (2006).
3. Defendants Louis Thomas, Jenkins, Golden, Levan Thomas, Forniss, and Edwards' motion for summary judgment, as supplemented, (Doc. #18 & #28) is GRANTED.
4. This case is DISMISSED with prejudice.

5. Costs of the proceeding are taxed against the plaintiff, for which execution may issue.

DONE this the 24th day of February, 2009.

/s/ Mark E. Fuller  
CHIEF UNITED STATES DISTRICT JUDGE